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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/658,835 09/02/2003 Manfred Orth F-7943 3024 28107 7590 09/22/2005 EXAMINER JORDAN AND HAMBURG LLP CLEMENT, MICHELLE RENEE 122 EAST 42ND STREET ART UNIT PAPER NUMBER **SUITE 4000** NEW YORK, NY 10168 3641

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 29 June 2005.  2a)⊠ This action is FINAL. 2b)□ This action is non-final.  3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s)	· · · ·		Application No.	Applicant(s)		
Michelle (Shelley) Clement   3641	Office Action Summary		10/658,835	ORTH, MANFRED		
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Fauntoin of union may be availation under the provisions of 3 CPR 1.78(8), in ne overtl, however, may apply be at may leg to the state of this communication of the provisions of 3 CPR 1.78(8), in ne overtl, however, may apply be at may legale of this communication. Pallet to ship with the set or cateriological for reply is specified above, the maximum statetory period will apply and will expire SX (8) MONTHS from the mailing date of this communication. Pallet to ship with the set or extended period for reply is specified above, the maximum statetory period will apply and will expire SX (8) MONTHS from the mailing date of this communication. Pallet to ship with the set or extended period for reply is specified above, the maximum state of this communication, even if timely fised, may reduce by 19 capital state and pallet the adjustment. See 37 CFR 1.70(4). Status  1)★ Responsive to communication(s) filed on 29 June 2005.  2a)★ This action is FINAL. 2b) This action is non-final.  3)★ Claim(s) 5.11 is/are pending in the application.  4)★ Claim(s) 1.11 is/are pending in the application.  4)★ Claim(s) 1.11 is/are pending in the application.  4)★ Claim(s) 1.11 is/are pending in the application.  4)★ Claim(s) 1.12 is/are pending in the application.  4)★ Claim(s) 1.13 is/are allowed.  6)★ Claim(s) 1.14 is/are allowed.  6)★ Claim(s) 1.15 is/are rejected.  7)★ Claim(s) 1.15 is/are rejected.  1)★ The drawing(s) filed on			Examiner	Art Unit		
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Editations of time may be available under be provided on 50 ZFR 1.136(a). In ne event, however, may a reply be timely filed after ISK (6) MONTHS from the mailing date of this communication.  Failus to reply within the set or escated period for reys will. by statistic, cauch the application become ASMANDOE (35 U.S.C. § 133). Any reply received by the Differ later than the members of the communication o	Period fo	The MAILING DATE of this communication ap or Reply		the correspondence address		
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#### DETAILED ACTION

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## Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection as necessitated by applicant's amendments.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Birkenhagen et al. (US Patent # 3,731,418). Birkenhagen et al. discloses a rifle comprising a stock including a housing, the housing including a housing sheath, a barrel, the barrel including a barrel sleeve, the barrel sleeve removably connecting the housing sheath, the housing sheath including a slot, the slot extending longitudinally along the housing sheath, the housing sheath further comprising means for varying the slot width so that the diameter of the housing sheath adjusts to the diameter of the barrel sleeve and the barrel sleeve being lockable with the housing sheath. Wherein the means for varying the slot width of the housing sheath comprises a first screw spanning the slat and being capable of tension-biasing and a second screw for expanding the slot. (Figures 1-6) The barrel has a forearm fastened to the barrel. The rifle comprises a third screw being capable of tension-biasing, the second screw being disposed along the slot between the first and third screws. Alternatively the rifle comprising a latch and a recess in the barrel sleeve for receiving the latch, the latch including a latch head for locking the barrel sleeve to the

housing sheath, the latch being slidable across the longitudinal axis of the housing sheath and the latch head being insertable in the recess in the barrel sleeve (Figures 7 & 8).

### Allowable Subject Matter

- 4. Claims 10 and 11 are allowed.
- 5. Claims 6-9 are objected to as being dependent upon a rejected base claim, but would possibly be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

